



FEES AND FARES SUBCOMMITTEE MEETING SUMMARY FINAL

November 10, 2022 • 3:00 PM – 4:30 PM

Zoom Meeting Call

Subcommittee Members	Position	Affiliation	Present
Darin Campbell, Chair	Subcommittee Chair, PFHTAC Chair	Radio Cab	Yes
Chad Derrington	TNC Vice Chair	TNC Driver	No
Dan Mark	PFHTAC	LPT Driver Representative	Yes
Phil Berger	TNC	TNC Driver	Yes
Guy Auker	TNC	TNC Driver	Yes
Mark Williams	PBOT	Regulatory Division Manager	Yes
Gabby Sanchez	PBOT	Regulatory Division, Office Support Specialist II	No
Tracy M. Smith	Facilitator	Inhance LLC	Yes
Camerina Galvan	Notetaker	Galvan Consulting LLC	Yes

OTHER ATTENDEES: None.

OPENING: DARIN CAMPBELL, SUBCOMMITTEE CHAIR

- Darin Campbell called the meeting to order at 3:03 PM.
- The committee met the quorum.
- All action items were completed except for Action Item 27, which will be carried over to the next meeting, and Action Item 32, which is in process.
 - **ACTION ITEM:** Darin Campbell will appoint a new subcommittee member from the Private-for-Hire to fill Jemal Abdi's position.

UPDATE: SURVEY: 15 QUESTION SURVEY 080522 DRAFT V4: MARK WILLIAMS, PBOT, AND PHIL BERGER, TNC COMMITTEE MEMBER

- The survey is being reviewed internally. Once approved, it will be completed in early December 2022, when a meeting will be scheduled with Phil Berger to adjust the logic.



PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576 Portland.gov/Transportation

Jo Ann Hardesty Commissioner Chris Warner Director

FEES AND FARES SUBCOMMITTEE MEETING SUMMARY FINAL

November 10, 2022 • 3:00 PM – 4:30 PM

Zoom Meeting Call

UPDATE: POSTCARD FOR OUTREACH: MARK WILLIAMS, PBOT

- Six hundred postcards are being printed. Stacks of one hundred will be mailed to a few people. The postcard will be posted to the website. People will be able to print the card from the website.

TOPIC SUBMISSION: DRIVERS TO GET PAID 75% OF THE FARE & TRANSPARENCY AND ADDENDUM:

MARK WILLIAMS, PBOT, AND CHAD DERRINGTON, TNC VICE-CHAIR

- This is an action item for the December 12, 2022, TNC Advisory Committee agenda.
- Mark Williams spoke with the City Attorney and his counterparts in Seattle. There are two interpretations of [ORS 653.017](#):
 - 1) It preempts the city from regulating rates only for employees.
 - 2) It applies to any compensation paid to anyone that works to receive compensation, even independent contractors.
- Mark Williams advised the committee makes a formal recommendation to the Bureau Director.
- Darin Campbell can support TNC Drivers with the process if they want to adjust [ORS 653.017](#).
- The city typically does not get involved in this issue and may not want to set a precedence for a policy change that will apply to all contracted and gig economy workers. The minimum wage rate in Portland was established at the state level. Mark Williams feels the city will not want to regulate how much a provider should pay their contractors.
- Phil Berger is concerned the drivers don't have an opportunity to negotiate terms as a unified front. Darin Campbell shared there have been attempts in the past to organize drivers, and unless an association is formed or paid staff are hired, it is very hard to accomplish.
- Darin Campbell believes a third employee designation, a hybrid between an independent contractor and an employee, designed by the labor commission, maybe a possibility in the future.

DISCUSSION ITEM: TOPIC SUBMISSION: MAXIMUM SEATING REQUIREMENT: MARK WILLIAMS, PBOT, AND CHAD DERRINGTON, TNC VICE-CHAIR

- Mark Williams reported that PBOT believes this is a driver safety issue and that drivers should be allowed to opt out of having a passenger in the front seat. It would not be a requirement. It is not addressed in the city code and can become an administrative rule.
- Mark Williams recommends that this issue be elevated to the TNC and the Private-for-Hire Transportation Advisory Committees, so they formally recommend it to the Bureau Director.
- Guy Auker is not in favor and feels the TNCs will be in opposition.



FEES AND FARES SUBCOMMITTEE MEETING SUMMARY FINAL

November 10, 2022 • 3:00 PM – 4:30 PM

Zoom Meeting Call

TOPIC SUBMISSION: INSURANCE (SUBMITTED TO PFHTAC BY DAN MARK): MARK WILLIAMS, PBOT, AND PHIL BERGER, TNC COMMITTEE MEMBER

- Dan Mark's topic submission is an Action Item on the November 28, 2022, Private-For-Hire Transportation Advisory Committee Meeting agenda. The committee will take a vote.
- Phil Berger's topic submission addresses increases in Personal Injury Protection (PIP) and income protection limits.
- Darin Campbell reported Mark Williams spoke with the City Attorney. The city will not address deductibles. Darin Campbell's recommendation is for the committee to discuss and make a recommendation to the Bureau Director; even though it is unlikely the recommendation will be approved; a public record is created.
- Phil Berger recounted his accident. He is waiting for the determination of fault and has been reimbursed for the income limit for October 2022 and November 2022 (\$3,000 per month), which is less than what he made weekly as a full-time driver. Uber's coverage for massage, physical therapy, and chiropractic care max is \$15,000. Phil Berger said this is not enough coverage and is unsure how much money he will have to replace his vehicle.
- Mark Williams inquired about 24 jurisdictions and found that none regulate insurance deductibles. A taxi and TNC insurance expert agreed the TNC insurance policy only covers a driver in Period 1. Mark Williams was hoping a driver could obtain ride-share coverage that would help with the deductible in any period. According to Phil Berger, a driver's Riders Insurance reimburses them the difference between their deductible and Uber's. This does not match what Mark Williams was told.

NEXT STEPS: DARIN CAMPBELL, SUBCOMMITTEE CHAIR

- **Topic Submission Status:** Chad Derrington submitted a Topic Submission: Improve Third Party Ordered TNC Rides on October 13, 2022. This topic submission was discussed in a past Fees and Fares Subcommittee Meeting.
 - **ACTION ITEM:** Tracy M. Smith will share the topic submission at the TNC Advisory Committee agenda planning meeting for the chair and vice-chair to consider.
- **Additional Insurance Conversation:** Dan Mark learned through this insurance that the Uber and Lyft policy of not transporting unaccompanied minors is a company policy, not an insurance policy.
 - Washington County requires transportation companies for people with a disability to carry sexual assault insurance coverage. Radio Cab decided not to serve Washington County because the insurance cost was high. Washington County's risk assessment committee recommended this policy to the county based on an issue involving Metro West. The Director of Health and



PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave, Suite 1331, Portland OR 97204

Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576 Portland.gov/Transportation

Jo Ann Hardesty Commissioner Chris Warner Director

FEES AND FARES SUBCOMMITTEE MEETING SUMMARY FINAL

November 10, 2022 • 3:00 PM – 4:30 PM

Zoom Meeting Call

Human Services will resubmit the policy for consideration based on her conversation with Darin Campbell.

CHAIR ADJOURNED THE BUSINESS MEETING AT 3:58 PM.

NEXT MEETING: The next meeting will be Thursday, December 8, 2022.

Submitted by Camerina Galván, Notetaker, Galvan Consulting LLC.